

*State Emblem of Ukraine*

**Public Prosecution of Ukraine**

**GENERAL PROSECUTOR'S OFFICE OF UKRAINE**

01011, Kyiv-11, Riznytska Str. 13/15

fax: (044) 290-26-03

28 07. 2005 No 14/2-28248-05.

**Rex Young**  
**Senior Counsel**  
**Office of International Affairs**  
**Department of Justice**  
Suite 800  
1301 New York Ave., N. W.  
Washington, D.C. 20005

**Dear Mr. Young,**

The General Prosecutor's Office of Ukraine pays its high respect to the Department of Justice of the United States of America and moves a motion for legal assistance.

The Investigation Division of the Department of Security Service of Ukraine in the Transcarpathian region is investigating a criminal case No 252 initiated on the fact of smuggling under section 2 of Article 201 of the CC of Ukraine. The circumstances of the completed offence are stated in the enclosed request.

In the course of investigation the need has arisen for carrying out of a number of proceedings in the territory of the United States of America, in connection with this the present request was prepared.

The General Prosecutor's Office of Ukraine, entertaining this request, in conformity with the provisions of the Agreement between Ukraine and the United States of America *On Mutual Legal Assistance in Criminal Matters* dated 22.07.1998, makes a request to organize its execution as soon as possible.

The General Prosecutor's Office of Ukraine assures that the received materials will be used by the Ukrainian law-enforcement bodies only in the course of investigation of the criminal matter and its consideration at court.

I would like you to send materials of the executed commission to the General Prosecutor's Office of Ukraine with reference to our number.

Enclosure: Commission in Ukrainian and in English and other documents,  
in all on \_\_\_\_\_ pages.

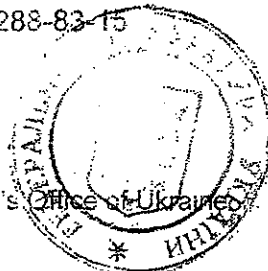
**Yours faithfully,**

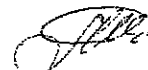
**Acting Head of  
International Law Department**

**O.V. Kovalenko**

By: Lyubenok T.P., tel.: (044) 288-83-15

Translator of the General Prosecutor's Office of Ukraine



 **R. Mykytenko**

TO: Office of International Affairs of Criminal Law Administration  
of the US Department of Justice

SUBJECT: request for assistance in investigation of criminal case # 252 brought  
on a charge of smuggling of five vehicles committed in prior  
agreement by a group of people. Provisions for such criminal offence  
are made in Part 2 of Article 201 of Criminal Code of Ukraine.

Ukraine requests the assistance of competent authorities of the United States of America in accordance with Agreement on Mutual Legal Assistance in Criminal Investigation between the USA and Ukraine, signed in Kyiv on Jul/22/1998.

The Investigation Department of Transcarpathian (Zakarpatska) Administration of the Security Service of Ukraine is investigating criminal case # 252 brought by Transcarpathian Prosecutor's Office on Sep/27/2002. The action was brought on a charge of smuggling, that is, illegal transfer of four vehicles "Mitsubishi Pajero" and one "Toyota Landcruiser" across the customs border of Ukraine. The vehicles had been concealed from customs inspection by producing the documents which contained false data on the owner to the customs body of Ukraine.

Thus, in 2001 the citizen of Ukraine Victor Hryhorovych Rudyj imported the five vehicles to Ukraine without bringing those for customs clearance at the destination. As the grounds of the import of the vehicles to the customs territory of Ukraine, the citizen of Ukraine V.H. Rudyj produced the accompanying documents, namely invoices, whereof it followed that the five vehicles had been sold to Ukrainian citizens through the mediation of the Slovak company "Auto-Motor V.N. SKO" by the following American companies:

- "ENWEST LLC", 318 North Carson St., Suite 214, Carson City, 89701 Nevada;
- "EXPRESS CAR LLC", 1220 North Market St., Suite 606, Wilmington, State Delaware;
- "GOLDEN WHEELS LLC", 318 North Carson St. Suite 214, 89701 NV.

Thus, according to Invoice # 26010010 of Jan/27/2001, "ENWEST LLC" sold the Ukrainian citizen Oleksandr Mishchenko the automobile "Mitsubishi Pajero Sport", body # JMBORK9601P000195, at DEM 40 600.

According to Invoice # 09020006 of Feb/09/2001, "ENWEST LLC" sold the Ukrainian citizen Nataliya Herko the automobile "Mitsubishi Pajero Wagon", body # JMBLYU75W1J001515, at DEM 55 700.

According to Invoice # 21020104 of Feb/21/2001, "ENWEST LLC" sold the Ukrainian citizen Serhiy Lisny the automobile "Mitsubishi Pajero", body # JMBLYV75W1J001545, at DEM 55 940.

According to Invoice # 30040101 of Apr/30/2001, "EXPRESS CAR LLC" sold the Ukrainian citizen Vladyslav Zhyhan the automobile "Mitsubishi Galant", body # JMBBSREA1Z000668, at DEM 34 500.

According to Invoice # 30050103 of May/30/2001, "GOLDEN WHEELS LLC" sold the Ukrainian citizen Tetyana Chernoskutova the automobile "Toyota Landcruiser", body # JTEHT05J302009545, at SKK 1 720 000.

At the same time, the Ukrainian citizens O.D.Mishchenko, N.V.Herko, S.I.J.isny, V.V.Zhyhan and T.O.Chernoskutova specified as the buyers of the said vehicles, being questioned as witnesses testified that they had never either ordered or bought the said vehicles, had not been abroad and knew nothing about the import of the said vehicles to Ukraine.

The investigator requires the information as follows:

(1) Whether the following companies were registered and engaged in commercial activities on the US territory as of 2001:

- "ENWEST LLC", 318 North Carson St., Suite 214, Carson City, 89701 Nevada;
- "EXPRESS CAR LLC", 1220 North Market St., Suite 606, Wilmington, State Delaware;
- "GOLDEN WHEELS LLC", 318 North Carson St. Suite 214, 89701 Nevada.

If so, it is necessary to arrange the inquiry of the chief executive, deputy and chief financial officer of the said companies.

(2) The relevant records of the bank that provides services to "ENWEST LLC", "EXPRESS CAR LLC" and "GOLDEN WHEELS LLC" in order to establish whether the money for the contraband vehicles has been transferred to their accounts.

(3) The investigation body of Ukraine also requests the relevant US bodies that they keep the request's contents confidential as far as it does not contradict the US legislation. A disclosure of the information could complicate the identification of the persons guilty of the crime.

In its turn, the investigation body of Ukraine can assure the US competent bodies, that the received information shall be used only for the investigation of the said criminal case and legal proceedings.

Article 201 of Criminal Code of Ukraine "Smuggling":

Part 1 of Article 201. Smuggling, that is goods transfer across the customs border of Ukraine evading the customs control or concealing it from the customs control, committed on a large scale, as well as illegal transfer of historical and cultural valuables, poisoning, virulent, radioactive or explosive substances, guns and ammunition (except smoothbore shotguns and its ammunition), and smuggling of strategic raw materials, export of which is specified by the Ukrainian laws.

Part 2 of Article 201. The same actions committed in prior agreement by a group of people, or by a person with a previous conviction of the crime specified by the Article.

*Note:* The smuggling of goods is considered to be committed on a large scale, if the contraband cost exceeds the untaxed minimum income of the citizens by 1 000 and more.

Legal address of the company "ENWEST LLC":

318 North Carson St., Suite 214  
Carson City  
89701 Nevada.

Legal address of the company "EXPRESS CAR LLC":

1220 North Market St., Suite 606  
Wilmington  
State Delaware.

Legal address of the company "GOLDEN WHEELS LLC":

318 North Carson St. Suite 214  
89701 NV.

Other information is default in the case materials.

NECESSARY ASSISTANCE:

The investigator suspects that unidentified citizens of Ukraine and the officials of the Slovak company "Auto-Motor V.N. SRO" (73 Lekarovce, Vyšne Nemecke, okres Sobrance, Slovakia) acted in criminal collusion as regards reference to the legal address of non-existing American companies in their contractual relations in order to evade paying customs charges.

NECESSARY DOCUMENTS:

We ask you to send to our address full records on the accounts in the banks that provide services to "ENWEST LLC", "EXPRESS CAR LLC" and "GOLDEN WHEELS LLC", wherein it is specified that the said companies transferred the money for the automobiles purchased for the Ukrainian citizens to the bank account of the Slovak company "Auto-Motor V.N. SRO" (73 Lekarovce, Vyšne Nemecke, okres Sobrance, Slovakia) in 2001, or received payment for the said vehicles during the same period.

NECESSARY EVIDENCE:

To ascertain and question as witnesses the chief executive, deputy and chief financial officer of the firms "ENWEST LLC", "EXPRESS CAR LLC" and "GOLDEN WHEELS LLC", in order to find out the following:

- the witness's country of origin; whether he / she used to live on the territory of Ukraine or other republics of the former USSR, if so, specify the country;
- whether he / she is familiar with residents of Ukraine; if so, specify the people, time, place and circumstances of the acquaintance; the kind of relations and whether they keep in touch;
- the type of activity of the firm the witness is employed by;
- whether there exist business relations between the firm the witness is employed by and the Slovak firm "Auto-Motor V.N. SRO" (73 Lekarovce, Vyšne Nemecke, okres Sobrance, Slovakia); if so, specify the managers of the said firm the witness is personally familiar with; specify the time, place and circumstances of the acquaintance;
- the kind of activity which unites the firm the witness is employed by and the Slovak firm "Auto-Motor V.N. SRO", specify how long they have cooperated;
- whether the firm the witness is employed by purchased vehicles from the Slovak firm "Auto-Motor V.N. SRO" in 2001; if so, specify the purpose of the purchase;  
*(in positive case, we are asking to send to our address copies of confirming documents);*
- whether the firm the witness is employed by effected sale of vehicles to Ukrainian citizens in 2001; if so, specify the consignees, the agreement under which the sale was effected, the other contracting party, how the purchase and sale of the vehicles was effected;  
*(in positive case, we are asking to send to our address copies of confirming documents);*
- whether the firm the witness is employed by sent the vehicles of the makes specified in the invoices to the address of the Slovak firm "Auto-Motor V.N. SRO" in 2001;  
*(in positive case, we are asking to send to our address copies of confirming documents);*
- whether the firm the witness is employed by has its authorized representatives who could effect sale and purchase of automobiles on behalf of the firm in Slovakia; if so, specify the person;

- whether the firm the witness is employed by has effected payment for the automobiles specified in the invoices purchased in 2001 to the Slovak firm "Auto-Motor V.N. SRO"; if so, specify how and when the payment was effected, the banking institutions and the amount of the transfer;
- whether the buyers have effected payment for the automobiles specified in the invoices to the firm the witness is employed by; if so, specify who effected it, how and when, the banking institutions and the amount of the transfer;
- whether there existed business relations between the firm the witness is employed by and the Ukrainian citizens Oleksandr Mishchenko, Nataliya Herko, Serhiy Lisny, Vladyslav Zhyhan, Tetyana Chernoskutova in 2001; if so, specify the time, place and circumstances of the acquaintance; what they have to do with the automobiles specified in the invoices.

In the course of interrogation, we ask to produce to the witness copies of Invoice # 26010010 of Jan/27/2001, Invoice # 09020006 of Feb/09/2001, Invoice # 21020104 of Feb/21/2001, Invoice # 30040101 of Apr/30/2001, Invoice # 30050103 of May/30/2001, in order to find out the following:

- what evidence the witness can give concerning the said invoices, whether he / she can recognize them;
- who, when and under what circumstances made out the said invoices; what their purpose was.

#### REQUEST EXECUTION PROCEDURE:

As regards the execution of the necessary witness's interrogation and its results, it is necessary to appeal to the competent US authorities with the following request:

1. To start the witness's interrogation by ascertainment of his / her full name, current address, date and place of birth.
2. To inform the witness that he / she has the right to give no evidence against himself / herself, his / her family members and close relatives. The witness is also to be informed that criminal proceedings could be instituted against him / her in case of false evidence to all the other questions.
3. To put those questions which are to be answered.
4. To make out all the received information in the form of record of evidence. The record should contain: 1) personal information, provided by the witness; 2) reference to the fact that the US competent body has informed the witness that he / she has the right to give no evidence against himself / herself, his / her family members and close relatives, but he / she is to give honest answers to all the other questions; otherwise, criminal proceedings could be instituted against him / her; 3) the questions and answers to them.
5. Next: 1) to read the recorded questions and answers to the witness, or 2) ask him / her to look through the record on his own.
6. To specify in the record of evidence whether it was read to the witness by the US competent representative, or he / she read it by himself / herself.
7. Every sheet of the record is to be signed by the person who has given evidence as a witness. After that the record is to be signed by the US competent representative who has carried out the interrogation.



CONTACT PERSON

Should questions arise concerning the request or its execution, we ask you to address Senior Special Investigator of 1<sup>st</sup> Department of Investigation Office of Transcarpathian Administration of the Security Service of Ukraine Roman Maydanskyy, tel.: (38-0312-691-575).

We ask you to send the materials of the processed request to the following address:  
Investigation Office of Transcarpathian Administration of the Security Service of Ukraine  
3 Dovzhenko St.  
Uzhgorod 88 000  
Transcarpathian Region  
Ukraine

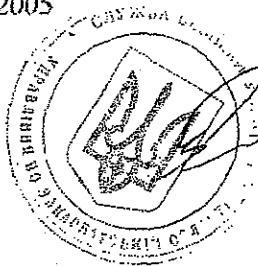
Enclosures:

- copies of Invoice # 26010010 of Jan/27/2001, Invoice # 09020006 of Feb/09/2001, Invoice # 21020104 of Feb/21/2001, Invoice # 30040101 of Apr/30/2001, Invoice # 30050103 of May/30/2001, - on 5 sheets.

Deputy Head of the Investigation Department  
Transcarpathian Administration of  
Security Service of Ukraine

B. Tyvodar

" 30 " 06 2005



(Bobuch)